

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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CONGREGATION RABBINICAL COLLEGE OF
TARTIKOV, INC., RABBI MORDECHAI BABAD,
RABBI MEILECH MENCZER, RABBI JACOB
HERSHKOWITZ, and RABBI CHAIM ROSENBERG,

7:20-cv-06158-KMK

Plaintiffs,

-against-

VILLAGE OF POMONA, NY and BOARD OF TRUSTEES OF
THE VILLAGE OF POMONA, NY,

Defendants.
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DECLARATION OF JACOB HERSHKOWITZ

Jacob Hershkowitz, declares as follows, pursuant to 28 U.S.C. § 1746:

1. I am a Plaintiff in this lawsuit.
2. I am a citizen of the United States and of New York.
3. I reside in Spring Valley, New York.
4. I am a Jew.
5. I am part of the Hasidic and Orthodox Jewish communities.
6. I speak Yiddish.
7. Jewish law (or “Halakhah”) is a religiously based system, and the religious beliefs of its adherents require them to obey its tenets.
8. I believe that the principal body of Jewish law (known as Biblical law) was communicated in non-written form from G-d to the Jewish people through Moses. This communication had two parts. One part was intended to be, and was, committed to writing. This part is known as the “Written Torah” or the “Five Books of Moses.”
9. The second part of the communication from G-d was intended not to be written, but, instead, to be taught orally directly from teacher to student. This portion is known as the “Oral Torah.” Together, the Written Torah and Oral Torah constitute the Torah.

10. I believe that the Torah embodies the word and will of G-d and that it is authoritative. Therefore, I am religiously and morally obligated to follow its rules.

11. I am married, and the father of 7 children.

12. My wife, Henny, is the daughter of Michael Tauber.

13. I believe that Jewish law or *Halakhah* is a religiously based system, and that my religious beliefs require me to obey its tenets. There are different sources of Jewish law which I believe embody the word and will of God and which I believe are authoritative.

14. As a Jewish man, I believe that I am religiously obligated to marry at a young age and have a large family.

15. The religious basis for having a large family is rooted in Genesis: G-d told Adam and Eve, representing all humankind to “be fruitful and multiply.” Genesis 1:28; and again after the flood that consumed almost all of humankind, G-d repeated this command to Noah and his sons on the Ark, Genesis 9: 1, 7, and to Jacob when he entered the land of Israel, G-d said to him: “I am the Almighty G-d; be fruitful and multiply.” Genesis 35:11.

16. I believe that Jewish law imposes conjugal duties upon me and my wife while forbidding us either to engage in family planning or to use birth control.

17. After attending yeshiva, I married, and began studying at Kollel of Belz, in Monsey, New York.

18. As a Jewish male, I believe that I am biblically commanded to engage in rabbinic study, study of Torah.

19. I believe that G-d commanded in Deuteronomy 6:5-9, I have a religious duty to study the Torah day and night, to speak of the Torah's precepts while I sit in my home, while I walk on the way, when I retire and when I arise.

20. Our sages and religious teachers have explained that “the study of the Torah is Judaism's highest ideal” and not only a “sacramental act” but the greatest of all *mizvots* or commandments.

21. Because the study of the Torah should be constant, I believe that any time I am unjustifiably detracted from Torah study, I commit the sin of bitul Torah (waste of the Torah).

22. In my faith, we are commanded to study the Talmud in the company of like-minded students.

23. When I began my studies at Kollel Belz, I studied the Talmud.

24. I have studied the Talmud because, from childhood, I have believed that this study of Talmud is what G-d wants me to do.

25. To study the Talmud is not the same as studying a secular subject in a school setting; I will never complete my study of the Talmud, as I am commanded by G-d to study it every day and throughout my lifetime.

26. With the passage of time, I have begun studying Shulchan Aruch.

27. The Shulchan Aruch is the code of Jewish law.

28. The Shulchan Aruch guides Jews in every aspect of daily living, family, relations among neighbors, and business.

29. As a matter of religious faith, we Jews are prohibited from resolving our disputes in secular courts, so there is a need for rabbinical judges.

30. Jewish religious sources explain that by serving as a judge and resolving disputes between people according to the true intent of the law, I will be a partner with G-d.

31. These religious resources explain that, by settling disputes among our people, dayanim (rabbinical judges) enable the world to continue to exist, because without courts and due process of law, anarchy would ensue.

32. Thus, serving as a religious judge is a spiritually fulfilling act.

33. As a matter of religious faith, I believe that only qualified Jewish religious judges shall hear and decide disputes between and among Jews.

34. Disobeying this religious commandment is very serious because, I believe, that by going to the civil courts, a Jew ignores the holy laws and legal system that G-d made just for the Jewish people and instead chose the laws and rules made by man.

35. Orthodox/Hasidic Jews also look for help on a daily basis from the dayanim on the many religious issues that come up because our religious laws direct every part of our lives.

36. Right now, I study the Yoreh De 'ah division of the Shulchan Aruch and a section of the Talmud about when interest is permitted or not.

37. I spend four hours studying at Kollel Belz in the morning, and in the afternoon I am writing my studies by myself.

38. Although Kollel Belz gives me the opportunity to study the Talmud and Shulchan Aruch, it does not offer a complete program on Shulchan Aruch.

39. Our studies at the Congregation Rabbinical College of Tartikov will be focused on the Shulchan Aruch, which includes four categories of Jewish law:

- a. The Orach Chaim are the laws about daily life, from arising in the morning to retiring to bed: the order of prayers and blessings; laws regarding meals; laws

about worshipping in the synagogue; what to do on the Sabbath and holidays;

b. The Yoreh De 'ah are laws about dietary issues ("Kosher"); laws of mourning, laws of family purity, laws about Israel, laws of religious conversion to Judaism, when interest is permitted or not.

c. The Even Ha'ezer are laws of marriage and divorce.

d. The Chosen Mishpat are laws of finance, civil wrongs; legal procedure and loans in Judaism.

40. In our faith, one who answers questions about G-d, His commandments, and how to live is called a rabbi.

41. When a rabbi that is more senior in his studies of the Code of Jewish laws is satisfied that a more junior student can answer such questions for others, he may grant to that student a semicha.

42. With the semicha, one can teach about, and answer questions about G-d, His commandments, and how to live.

43. I have not yet gotten a semicha.

44. I first learned about the plan to establish a rabbinical college from Meilech Menczer and Michael Tauber.

45. I met with Tauber, Menczer, and the others; we listened to Tauber so he could explain the whole program for developing a Torah Community.

46. That meeting took place about thirteen years ago, in the synagogue at Kollel Belz.

47. At that time, to my best of my memory, Tauber also told us that land had been purchased in the Village of Pomona for the purpose of establishing the rabbinical college.

48. Because it is my religious belief, I intend to become a rabbinical judge.

49. To become a rabbinical judge, I must participate in a program that teaches Shulchan Aruch, and do so in a community of like-minded students and teachers, what we refer to as a Torah community.

50. In a Torah Community, we will be of one mind, thinking always of the Torah, discussing the Torah, asking and answering questions about the Torah.

51. In a Torah Community, we will separate ourselves from the distractions of the outside world, excluding ourselves from the distractions of news, business, and the like.

52. Living in a Torah Community will allow us students to study the Shulchan Aruch day and night, and to discuss and explore it with our fellow students and our teachers constantly.

53. The facilities and campus that Congregation Rabbinical College of Tartikov is seeking to build will foster and support the intense, serious, and dedicated study of the Shulchan Aruch that is required to meet our obligation to provide rabbinical judges to our community.

54. The study of Torah, the meditation on Torah, the learning of Torah with others gives me a growing knowledge of the will of G_d as to how we should live our lives, with our families and our community.

55. As our understanding of the law of G_d and the will of G_d grows through study, meditation, and discussion, our obligations about how we live changes as we learn how it is that G_d wants to live.

56. For this reason, we should always try to live our lives as closely to the law of G_d and the will of G_d as we are able.

57. Still, because of our study of Torah and growth of our understanding of the will of G_d, we know that we must continue in improving our obedience to the word and the will of G_d.

58. At the present time, there isn't another Torah community where I can study Shulchan Aruch with a community of students and teachers likewise committed to such devoted study.

59. Even in a kollel, like Kollel Belz, where I study now, we find that these distractions are not able to be avoided, because everyone is not dedicated to such a program of study and isolation from outside influence.

60. A Torah Community comprises people working together with the same goal of being constant in study, question, and discussion of Torah.

61. I am not able to live in a Torah community now. I will be able to live in a Torah community when Tartikov is built.

62. Living in a Torah Community is not simply one choice among many. As explained in Mishnah Avos, a rabbi was offered great riches to move from his Torah Community to another town, and the rabbi responded that even if he were offered all the gold, silver, and pearls in the world, he would not depart from the Torah Community.

63. I believe that a Torah Community must have facilities for students to study with, and observe, rabbinical judges as they engage in their practice.

64. I believe that the Torah governs how we live.

65. I believe that to obey the Torah, we need other facilities in a Torah community.

66. I believe that the Torah commands us to marry young, to father many children, and to teach Torah to our children.

67. Our sages and religious teachers warn us that when we stand before G-d for

judgment, we will be asked whether we were busy being fruitful and multiplying as commanded.

68. To obey the Torah, we need housing for ourselves, our spouse, and our children.

69. As a father, I believe that I have ongoing duties toward my wife and children.

70. I believe that I cannot fulfill my duties as husband and father except by living together with my wife and my children.

71. I believe that these obligations require that we have a place to live together, a home.

72. According to the teaching of our religion, I believe that we are commanded to use a mikvah, or ritual bath.

73. Many commentaries and studies discuss and explain Shulchan Aruch.

74. A Torah Community must have an adequate library that includes such studies and commentaries so that those that study the Shulchan Aruch fully understand its meaning and its applications.

75. A library of studies, commentaries, and religious sources on campus ensures that we avoid the sin of *bitul* Torah, and that we are not distracted from our dedicated study and preparation.

76. A Torah Community must also have a synagogue, or, as we call it, a shul.

77. Our great sages teach that only in a Torah Community is it possible to avoid the distractions that diminish one's progress toward the goal of serving as a rabbinical judge.

78. These sages explain that even a brief distraction from studying and obeying the commandments of G-d and the code of Jewish law is a severe loss.

79. A Torah community must be constructed in a way that allows continuous study, minimizes time lost in moving from shul to class to home to courtroom to shul.

80. My understanding is that Congregation Rabbinical College of Tartikov will provide *shuls* so that we are able to meet our religious obligations to be in prayer individually and in community.

81. Our sages tell us and it is my religious belief that if someone wants to study the Torah, they should exile to a place of Torah, to a Torah community, a place where there are Torah scholars and people that are engaged only in learning Torah live there. This approach is necessary because our sages teach us that we should be studying before morning, in the morning, afternoon, the night, and Fridays, Shabbos, holidays.

82. My understanding is that the intention and plan of Congregation Rabbinical College Tartikov in the Village of Pomona is to create a Torah community. This Torah community is designed to create a living and learning religious campus that includes total dedication to religious

obligations of mastering the Code of Jewish Law to become a full-time rabbinical judge while at the same time meeting my religious obligations to my family and to worshipping G-d in the proper way.

83. The Torah community also involves intensive learning interaction, day and night, with my fellow students, teachers and lecturers.

84. Because I will be a part of the Torah community, I will be able to have access to my teachers and fellow students day and night, in the study halls, courtrooms, shuls, or in the living quarters, and this will allow for constant communication and learning opportunities.

85. Learning in this way as part of the Torah community will allow me to gain knowledge from the teachers and students by interacting with my teachers and discussing the issues with my fellow students.

86. One part of the Torah community is the provision of housing (at no charge) by Congregation Rabbinical College of Tartikov.

87. Living and learning in a Torah community will allow me to meet my religious obligations to my family by living together with them as a family, teaching my children the Torah, while at the same time meeting my religious obligations to learn and worship.

88. The Torah community also involves students living close to each other, allowing the religious learning process to continue even when we are not studying or eating meals together.

89. Together with Meilech Menczer, David Menczer, and Chaim Rosenberg, I prepared a collection of our commands and the teaching of our sages related to Torah community. Menczer Exhibit 1.

90. Those commands and instructions include:

- a. One who studies the Torah should reside in a community of Torah scholars and pious people.
- b. To master the Torah, one must constantly be beside scholars.
- c. One should reside in a Torah community since a person is influenced by society.
- d. A Torah scholar should reside only where there is a Torah school, rabbinical court and a synagogue.
- e. Jews must nominate and appoint judges and those judges must judge between Jews according to Jewish (Torah) law.
- f. Rabbinical judges should have thorough knowledge of the Torah law.

- g. When training to serve as a rabbinical judge, students must perform residencies with sitting rabbinical judges and receive a diploma to practice Jewish law.
 - h. Jews are prohibited from settling conflicts and disputes amongst themselves in any court system besides rabbinical (Torah) courts.
 - i. Studying Torah is the primary duty of Jews, above all other activity.
 - j. Young men must study Torah.
 - k. Torah must be studied most of the day and night.
 - l. To succeed in Torah study, one needs to, and must, exclude oneself from, and refrain from, all worldly and materialistic pleasures.
 - m. Jews are obliged to marry and have children.
 - n. Jews are obliged to live together with your family.
 - o. Jews are obliged to marry at a young age.
 - p. Jews are obliged to study Torah while married as opposed to studying when single.
91. These religious beliefs instruct me to live within a Torah Community with my wife and my children.
92. At Kollel Belz, I sit and read without the benefit of having a knowledgeable person answer my questions or instruct me.
93. Kollel Belz has a limited library that does not have all of the religious books needed to become qualified in the entire four categories of Jewish Law so I can become a fulltime rabbinical judge.
94. Kollel Belz does not provide on campus housing.
95. Kollel Belz, because it is not a Torah community, cannot meet my religious need to live within such a community.
96. The program planned by Congregation Rabbinical College of Tartikov will be the only directed course of study of all four sections of the Shulchan Aruch that I am aware of which would allow me to observe all my religious duties while completing my studies.
97. To train and prepare to be a rabbinical judge will require a long time, perhaps as many as fifteen years of study and training.
98. In addition to study, we must sit with rabbinical judges and observe as they conduct their cases. That mentoring practice we call shimush.

99. Because of the need to participate in shimush, Congregation Rabbinical College of Tartikov plans and intended to provide religious courtroom facilities on the campus.

100. Congregation Rabbinical College of Tartikov has told me that I will be admitted to their course of study and to live with them in the Torah Community there, when the college is ready.

101. Congregation Rabbinical College of Tartikov provides me with a stipend to assist me in fulfilling my commitment to devote myself completely to the study of the Torah and Shulchan Aruch while I wait for Tartikov to open.

102. Congregation Rabbinical College of Tartikov has also committed to provide housing to me and my family during the extended period of study that will be required to learn the Shulchan Aruch.

103. Thirteen years have gone past and there has not even been a breaking of ground to begin construction.

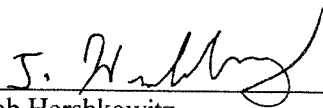
104. Despite the delay in being able to begin studies in earnest on the planned campus of the Congregation Rabbinical College of Tartikov, I have remained steadfast in my studies and preparation for the day when the college is open.

105. I intend to begin studies at Tartikov when the college is built and becomes operational.

106. I cannot afford to rent or purchase a single family home in the Village of Pomona.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: October 15, 2020
Nanuet, New York



Jacob Hershkowitz